

00-0 -1326

(Do Not Write Above This Line)

AN ORDINANCE BY COMMUNITY
DEVELOPMENT/HUMAN RESOURCES
COMMITTEE TO CREATE THE
LAKEWOOD POINTE TOWNHOMES
HOUSING ENTERPRISE ZONE AND
FOR OTHER PURPOSES

ADOPTED BY

OCT 02 2000

COUNCIL

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred 9/18/00

Community Development & Human Resources
Referred to:

First Reading

Committee
Date
Chair

9/27/00
9/13/00

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others:

Members

Refer To

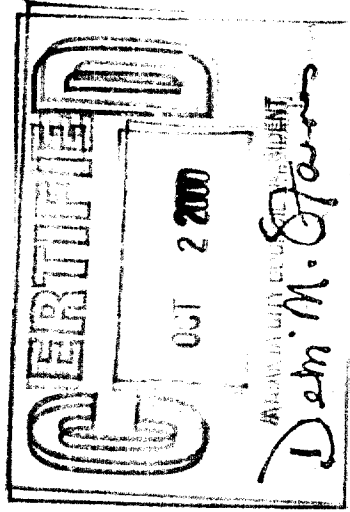
COUNCIL ACTION

☒ 2nd☐ 1st & 2nd☐ 3rd

Readings

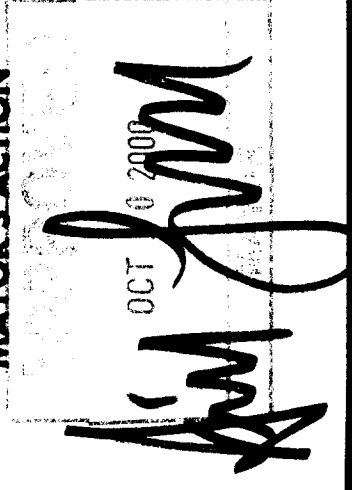
☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED



CERTIFIED
OCT 02 2000
Richard Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION





**CITY COUNCIL
ATLANTA, GEORGIA**

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

00-0-1326

**AN ORDINANCE TO CREATE LAKEWOOD POINTE TOWHOMES HOUSING
ENTERPRISE ZONE AND FOR OTHER PURPOSES.**

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and


WHEREAS the city of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of Lakewood Pointe Townhomes Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around Lakewood Pointe Townhomes is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with Lakewood Pointe Townhomes are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place



priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Lakewood Pointe Townhomes Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2001. Lakewood Pointe Townhomes Housing Enterprise Zone shall be abolished on December 31, 2010. New Carver Homes Housing Phase II Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of Lakewood Pointe Townhomes Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of Lakewood Pointe Townhomes Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

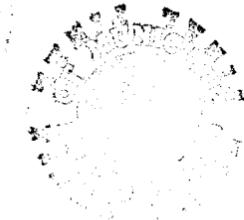
Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Shonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 02, 2000
OCT 10, 2000



**PROPOSED LAKEWOOD POINTE TOWNHOMES
HOUSING ENTERPRISE ZONE
LEGAL DESCRIPTION**

Proposed
Lakewood Pointe Townhomes
Housing Enterprise Zone

LEGAL DESCRIPTION

TRACT ONE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 122 OF THE 14TH LAND DISTRICT, FULTON COUNTY GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN OPEN TOP PIPE FOUND AT THE POINT WHERE THE EASTERN RIGHT-OF-WAY OF AARON DRIVE INTERSECTS WITH THE NORTHEASTERLY RIGHT-OF-WAY OF LAKEWOOD AVENUE;

THENCE, SOUTHEASTERLY ALONG THE RIGHT-OF-WAY OF LAKEWOOD AVENUE AND A CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 185.65 FEET, SAID ARC HAVING A RADIUS OF 725.75 FEET. SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 76 DEGREES, 33 MINUTES, 43 SECONDS WEST FOR A DISTANCE OF 185.14 FEET TO A #4 REBAR SET ON THE NORTHEASTERN RIGHT-OF-WAY OF LAKEWOOD AVENUE AND THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT OF WAY, NORTH 09 DEGREES, 36 MINUTES, 06 SECONDS EAST FOR A DISTANCE OF 31.61 FEET TO A REBAR FOUND;

THENCE, SOUTH 86 DEGREES, 09 MINUTES, 54 SECONDS EAST FOR A DISTANCE OF 966.58 FEET TO AN IRON PIN FOUND;

THENCE, SOUTH 20 DEGREES, 24 MINUTES, 06 SECONDS WEST FOR A DISTANCE OF 302.38 FEET TO A #4 REBAR SET ON THE NORTHERN RIGHT-OF-WAY OF LAKEWOOD AVENUE;

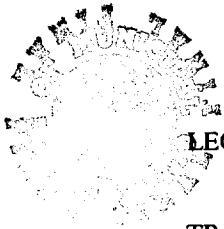
THENCE, SOUTH 86 DEGREES, 45 MINUTES, 18 SECONDS WEST ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 394.80 FEET TO A POINT;

THENCE, CONTINUING NORTHWESTERLY ALONG SAID RIGHT-OF-WAY AND A CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 39.77 FEET, SAID ARC HAVING A RADIUS OF 50.00 FEET. SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 70 DEGREES, 27 MINUTES, 29 SECONDS WEST FOR A DISTANCE OF 38.73 FEET TO A POINT;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 47 DEGREES, 40 MINUTES, 17 SECONDS WEST FOR A DISTANCE OF 273.58 FEET TO A POINT;

THENCE, CONTINUING NORTHWESTERLY ALONG SAID RIGHT-OF-WAY AND A CURVE TO THE LEFT FOR AN ARC DISTANCE OF 273.13 FEET, SAID ARC HAVING A RADIUS OF 725.75 FEET. SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 58 DEGREES, 27 MINUTES, 09 SECONDS WEST FOR A DISTANCE OF 271.52 FEET TO A #4 REBAR SET AND THE TRUE POINT OF BEGINNING.

SAID TRACT ONE CONTAINS 5.06 ACRES (220,467 SQ. FT.), TOGETHER WITH AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.



Proposed
Lakewood Pointe Townhomes
Housing Enterprise Zone

LEGAL DESCRIPTION

TRACT TWO

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 122 OF THE 14TH LAND DISTRICT, FULTON COUNTY GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN OPEN TOP PIPE FOUND AT THE POINT WHERE THE EASTERN RIGHT-OF-WAY OF AARON DRIVE INTERSECTS WITH THE NORTHEASTERLY RIGHT-OF-WAY OF LAKEWOOD AVENUE;

THENCE, SOUTHEASTERLY ALONG THE RIGHT-OF-WAY OF LAKEWOOD AVENUE AND A CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 185.65 FEET, SAID ARC HAVING A RADIUS OF 725.75 FEET. SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 76 DEGREES, 33 MINUTES, 43 SECONDS WEST FOR A DISTANCE OF 185.14 FEET TO A #4 REBAR SET ON THE NORTHEASTERN RIGHT-OF-WAY OF LAKEWOOD AVENUE;

THENCE, SOUTH 09 DEGREES, 39 MINUTES, 06 SECONDS WEST FOR A DISTANCE OF 61.25 FEET TO A #4 REBAR SET ON THE SOUTHWESTERN RIGHT-OF-WAY OF LAKEWOOD AVENUE AND THE TRUE POINT OF BEGINNING;

THENCE, SOUTHEASTERLY ALONG THE RIGHT-OF-WAY OF LAKEWOOD AVENUE AND A CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 238.74 FEET, SAID ARC HAVING A RADIUS OF 665.75 FEET. SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 57 DEGREES, 56 MINUTES, 40 SECONDS WEST FOR A DISTANCE OF 237.46 FEET TO A POINT ON THE SOUTHWESTERN RIGHT-OF-WAY OF LAKEWOOD AVENUE;

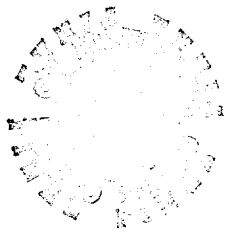
THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 47 DEGREES, 40 MINUTES, 17 SECONDS EAST FOR A DISTANCE OF 265.45 FEET TO A #4 REBAR SET WHERE THE SOUTHWESTERN RIGHT-OF-WAY OF LAKEWOOD AVENUE MEETS THE NORTH RIGHT-OF-WAY OF LAKEWOOD FREEWAY (AKA S.R.166);

THENCE, ALONG THE NORTHERN RIGHT-OF-WAY OF LAKEWOOD FREEWAY NORTH 88 DEGREES, 40 MINUTES, 46 SECONDS WEST FOR A DISTANCE OF 150.43 FEET TO A CONCRETE MONUMENT FOUND;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 84 DEGREES, 29 MINUTES, 13 SECONDS WEST FOR A DISTANCE OF 304.74 TO A #4 REBAR SET ON THE NORTHERN LINE OF SAID RIGHT-OF-WAY;

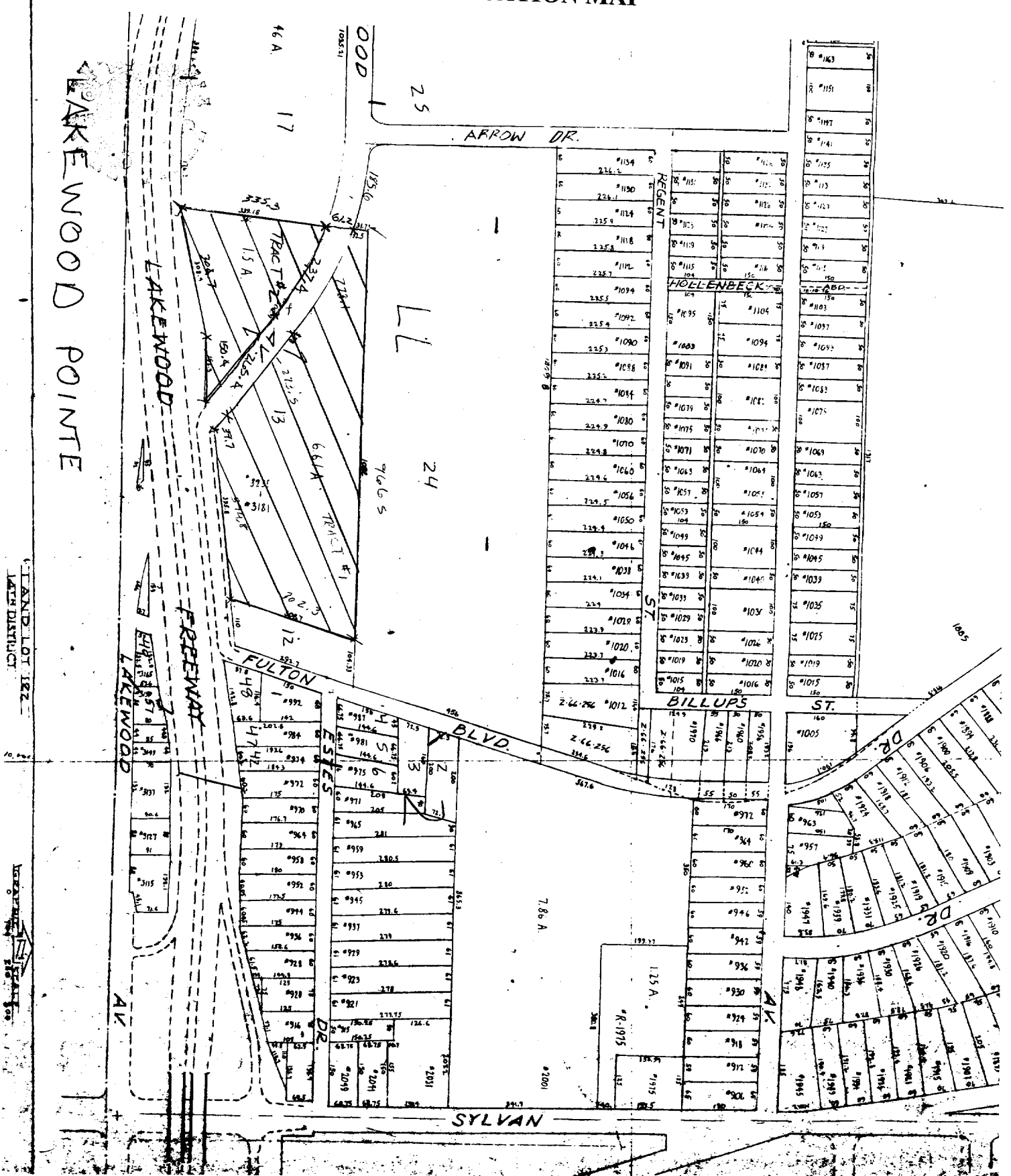
THENCE, LEAVING SAID RIGHT-OF-WAY NORTH 09 DEGREES, 39 MINUTES, 06 SECONDS EAST FOR A DISTANCE OF 335.33 FEET TO A #4 REBAR SET AND THE TRUE POINT OF BEGINNING.

SAID TRACT TWO CONTAINS 1.81 ACRES (78,856 SQ. FT.), TOGETHER WITH AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

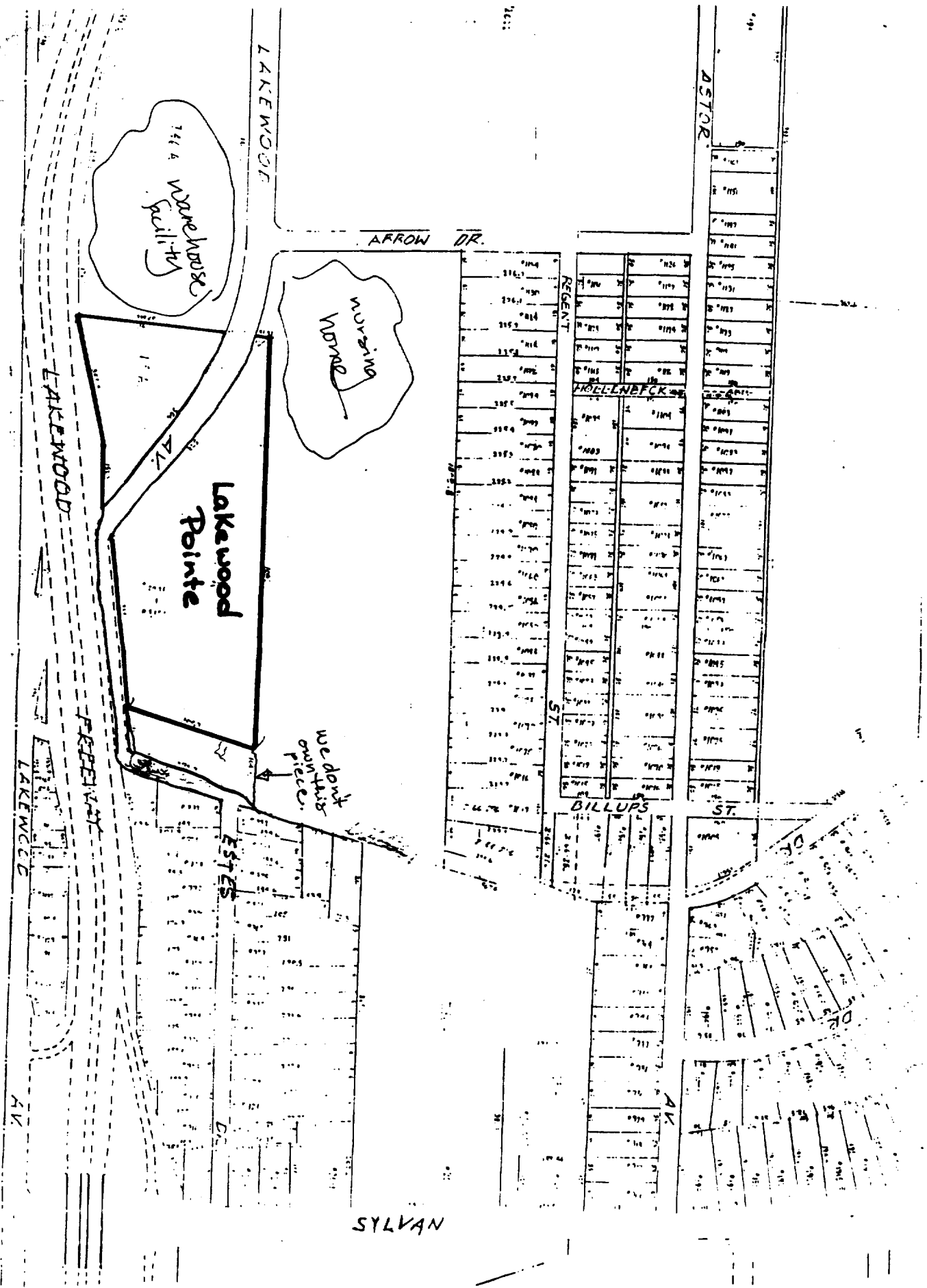


**PROPOSED LAKEWOOD POINTE TOWNHOMES HOUSING ENTERPRISE
ZONE
PROJECT LOCATION MAP**

LAKEWOOD POINTE TOWNHOMES
HOUSING ENTERPRISE ZONE
LOCATION MAP



Proposed
Lakewood Pointe Townhomes
Housing Enterprise Zone



**EVALUATION OF PROPOSED
LAKEWOOD POINTE TOWNHOMES
HOUSING ENTERPRISE ZONE**

Criteria	Required	Proposed	Compliance
1. Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/Abandoned Buildings) d. Underdevelopment	Must meet 3 out of 4 Criteria a. Poverty rate of $\geq 20\%$ or more b. Census tract job loss $\geq 10\%$ c. High Crime or Vacant/Abandoned Buildings d. Lack of development activity $\leq 20\%$ for NPU as compared to the city as a whole	a. Poverty rate for CT 75 BG 5 $>20\%$ b. 18.5% c. Presence of Vacant and abandoned, dilapidated structures and deteriorated infrastructure d. -2% for NPU X	3 out of 4 criteria √
2. Acreage	None	6.9 acres	√
3. CDP Consistency	CDP Land Use Classification Low Density Residential F.A.R. 0.0 - 3.49	Low Density Residential 13.3 units per acre F.A.R. = .273	√
4. Zoning Compliance	RG-2	RG-2	√
5. Project Readiness	30% of units to be initiated in year 1	100% Complete	√
6. Project Specificity	Project Specific Zone or $\geq 50\%$ of Area-wide Zone	Project Specific	√
7. Non-Displacement	Minimum Displacement	Land currently vacant. No Displacement	√
Affordability (housing and mixed-use residential/commercial enterprise zones)	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median income for the Atlanta MSA (low income). 20% must bear monthly rents $\leq 30\%$ of low-income level, adjusted by family size. 20% must bear purchase prices $\leq \$131,780$ or 2.2 median income for the Atlanta MSA.	22 (44%) of the units will be sold to homebuyers earning 80% or less of the Atlanta Area Median Income. Ten (10) of those 22 units (22%) will be reserved for households earning 60% or less of the Atlanta Area Median Income	√
Provision for Atlanta police officers and their families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents, which do not exceed the low-income level of affordability. Sales-affordable units $>20\%$ of total exemption, or Rental- (cumulative basis over the 1 st five years	Proposed to comply	√
10. Financial Feasibility	Chief Financial Officer's Statement of Fiscal Impact a. negative cash flow, or b. debt coverage ratio <1.20 , or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified	TBD	TBD

RCS# 2255
10/02/00
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1390 00-O-1567 00-R-1480 00-R-1571 00-R-1574
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED.

RCS# 2286
10/02/00
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
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Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1390
00-O-1567
00-R-1480
00-R-1571
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1393 2. 00-O-0758 3. 00-O-1341 4. 00-O-1453 5. 00-O-1326 6. 00-O-1327 7. 00-O-1328 8. 00-O-1329 9. 00-O-1301 10. 00-O-0263 11. 00-O-0979 12. 00-O-1311 13. 00-O-1418 14. 00-O-1566 15. 00-O-1417 16. 00-O-1114 17. 00-O-1561 18. 00-R-1486 19. 00-R-1490 20. 00-R-1524 21. 00-R-1525 22. 00-R-1572 23. 00-R-1483 24. 00-R-1484 25. 00-R-1552 26. 00-R-1310 27. 00-R-1466 28. 00-R-1467 29. 00-R-1469 30. 00-R-1563 31. 00-R-1549 32. 00-R-0977 33. 00-R-1297 34. 00-R-1495 35. 00-R-1461 36. 00-R-1464	37. 00-R-1470 38. 00-R-1471 39. 00-R-1472 40. 00-R-1476 41. 00-R-1477 42. 00-R-1481 43. 00-R-1497 44. 00-R-1498 45. 00-R-1499 46. 00-R-1500 47. 00-R-1501 48. 00-R-1502 49. 00-R-1503	50. 00-R-1504 51. 00-R-1505 52. 00-R-1506 53. 00-R-1507 54. 00-R-1508 55. 00-R-1509 56. 00-R-1510 57. 00-R-1511 58. 00-R-1512 59. 00-R-1513 60. 00-R-1514 61. 00-R-1515 62. 00-R-1516 63. 00-R-1517 64. 00-R-1518 65. 00-R-1519 66. 00-R-1520 67. 00-R-1521 68. 00-R-1522 69. 00-R-1523